

STATE OF WISCONSIN

Senate Journal

Ninety–Eighth Regular Session

WEDNESDAY, March 5, 2008

The Chief Clerk makes the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 174** offered by Senator Vinehout.

Senate amendment 2 to **Senate Bill 216** offered by Senator Darling.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 278** offered by Senator Coggs.

Senate amendment 1 to **Senate Bill 507** offered by Senator Plale.

BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

Senate Bill 297

Senate Bill 431

Presented to the Governor on 3–5–2008.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS; REFERENCE OF APPOINTMENTS

Read and referred:

Senate Joint Resolution 99

Relating to: the right of the people to contract privately for health care services and health care coverage and prohibiting requiring a person to participate in a state-sponsored health care system or plan (first consideration).

By Senators Kanavas and A. Lasee; cosponsored by Representatives Vukmir, LeMahieu, Strachota, Murtha, Montgomery, Gunderson, Nass, Vos, Lothian, F. Lasee, Nygren, Kramer, Zipperer, Friske, Suder, Pridemore, Mursau, Honadel, Tauchen, Moulton, M. Williams and Albers.

To committee on **Health, Human Services, Insurance, and Job Creation**.

Read first time and referred:

Senate Bill 562

Relating to: the establishment of the Healthy Wisconsin Plan and the Healthy Wisconsin Authority, granting rule-making authority, and making an appropriation.

By Senator Erpenbach.

To committee on **Health, Human Services, Insurance, and Job Creation**.

State of Wisconsin Department of Public Instruction

March 3, 2008

The Honorable, The Senate:

Pursuant to s. [15.377\(8\)](#), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,

ELIZABETH BURMASTER

State Superintendent

MULLIGAN, THOMAS, of West Allis, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2009.

Read and referred to committee on **Education**.

REPORT OF COMMITTEES

The committee on **Environment and Natural Resources** reports and recommends:

Senate Bill 385

Relating to: the operation of motorboats, other than personal watercraft, at slow–no–wake speed within a given distance of the shoreline of a lake.

Passage.

Ayes, 5 – Senators Miller, Jauch, Wirsch, Kedzie and Schultz.

Noes, 0 – None.

Senate Bill 397

Relating to: the disposal, collection, and recycling of electronic devices, making an appropriation, and providing penalties.

Introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 5 – Senators Miller, Jauch, Wirsch, Kedzie and Schultz.

Noes, 0 – None.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Miller, Jauch, Wirsch, Kedzie and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes, 0 – None.

Senate Bill 441

Relating to: environmental regulation of mining and notice to transferees of interests in mining sites.

Passage.

Ayes, 3 – Senators Miller, Jauch and Wirch.

Noes, 2 – Senators Kedzie and Schultz.

Senate Bill 523

Relating to: the Great Lakes–St. Lawrence River Basin Water Resources Compact, withdrawals of water from the Great Lakes Basin, water withdrawal and use, water supply planning, water conservation, granting rule-making authority, and providing a penalty.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 3.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 4.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes, 0 – None.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Miller, Jauch and Wirch.

Noes, 2 – Senators Kedzie and Schultz.

MARK MILLER

Chairperson

The committee on **Ethics Reform and Government Operations** reports and recommends:

Assembly Bill 410

Relating to: legislative committee review period of administrative rules and revisor consent regarding technical standards in rules.

Concurrence.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and Leibham.

Noes, 0 – None.

Senate Bill 296

Relating to: local ordinances authorizing the removal, impoundment, and disposal of vehicles involved in traffic violations.

Passage.

Ayes, 7 – Senators Risser, Robson, Kreitlow, Ellis and Leibham.

Noes, 0 – None.

FRED RISSE

Chairperson

The committee on **Health, Human Services, Insurance, and Job Creation** reports and recommends:

Senate Bill 433

Relating to: cash value of life insurance regarding eligibility for the veterans assistance program.

Passage.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.

Noes, 0 – None.

Senate Bill 518

Relating to: changes to BadgerCare Plus.

Passage.

Ayes, 5 – Senators Erpenbach, Vinehout, Carpenter, Taylor and Roessler.

Noes, 2 – Senators Lazich and Kanavas.

JON ERPENBACH

Chairperson

The committee on **Judiciary, Corrections, and Housing** reports and recommends:

RAEMISCH, RICHARD, of Waunakee, as a member of the Prison Industries Board, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

Senate Bill 162

Relating to: extending domestic abuse restraining orders and injunctions to include abuse to animals and threats of abuse to animals.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Taylor, Sullivan, Lazich and Grothman.

Noes, 1 – Senator Vinehout.

Senate Bill 496

Relating to: the consequences for failure to act within a time period specified in the Children's Code or the Juvenile Justice Code, extension of certain time periods specified in the Children's Code, and informal dispositions under the Children's Code.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

Senate Bill 498

Relating to: possession of an electric weapon.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

LENA TAYLOR
Chairperson

The committee on **Labor, Elections and Urban Affairs** reports and recommends:

Assembly Bill 628

Relating to: annual reports filed with the Department of Regulation and Licensing by certain charitable organizations.

Concurrence.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 0 – None.

Assembly Bill 69

Relating to: registration requirements for professional engineers.

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 0 – None.

Concurrence as amended.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 0 – None.

Senate Bill 462

Relating to: psychological evaluations for law enforcement officers, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Adoption of Senate Amendment 1.

Ayes, 3 – Senators Coggs, Wirsch and Lehman.
Noes, 1 – Senator Grothman.

Adoption of Senate Amendment 2.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 0 – None.

Adoption of Senate Amendment 3.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Coggs, Wirsch and Lehman.
Noes, 1 – Senator Grothman.

Senate Bill 471

Relating to: payment of premiums for health or long-term care insurance coverage from annuities under the Wisconsin Retirement System and distributions from deferred compensation accounts.

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 0 – None.

Senate Bill 494

Relating to: changing the procedures for filling vacant civil service positions in the city of Milwaukee.

Passage.

Ayes, 3 – Senators Coggs, Wirsch and Lehman.
Noes, 1 – Senator Grothman.

Senate Bill 512

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

Passage.

Ayes, 3 – Senators Coggs, Wirsch and Lehman.
Noes, 1 – Senator Grothman.

Senate Bill 528

Relating to: expanding an exception to local levy limits for levies for debts incurred by a joint fire department.

Passage.

Ayes, 4 – Senators Coggs, Wirsch, Lehman and Grothman.
Noes, 1 – Senator A. Lasee.

Senate Bill 530

Relating to: the use of traffic control photographic systems to monitor intersections, imposing liability on the owners of vehicles involved in traffic control signal violations, and providing a penalty.

Passage.

Ayes, 3 – Senators Coggs, Wirsch and Lehman.
Noes, 1 – Senator Grothman.

SPENCER COGGS
Chairperson

The committee on **Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection** reports and recommends:

Assembly Bill 590

Relating to: authorizing a sheriff to depute certain security officers who are employed by the department of military affairs.

Concurrence.

Ayes, 5 – Senators Wirsch, Carpenter, Plale, Kedzie and Roessler.
Noes, 0 – None.

Assembly Bill 760

Relating to: registration of professional employer organizations, requiring the exercise of rule-making authority, and providing a penalty.

Concurrence.

Ayes, 5 – Senators Wirsch, Carpenter, Plale, Kedzie and Roessler.
Noes, 0 – None.

Senate Bill 452

Relating to: an integrated crime alert network.

Passage.

Ayes, 5 – Senators Wirsch, Carpenter, Plale, Kedzie and Roessler.
Noes, 0 – None.

ROBERT WIRSCH
Chairperson

The committee on **Tax Fairness and Family Prosperity** reports and recommends:

Assembly Bill 612

Relating to: approval of a court order for a minor's placement in or transfer to an inpatient facility (suggested as

remedial legislation by the Department of Health and Family Services).

Concurrence.

Ayes, 5 – Senators Jauch, Kreitlow, Vinehout, Grothman and Leibham.

Noes, 0 – None.

Assembly Bill 77

Relating to: distributing the school levy and lottery and gaming property tax credits.

Concurrence.

Ayes, 5 – Senators Jauch, Kreitlow, Vinehout, Grothman and Leibham.

Noes, 0 – None.

Assembly Joint Resolution 39

Relating to: different property tax levy rates for parts of cities, villages, towns, counties, and school districts added by attachments to school districts, consolidations, and boundary changes under cooperative agreements (first consideration).

Concurrence.

Ayes, 5 – Senators Jauch, Kreitlow, Vinehout, Grothman and Leibham.

Noes, 0 – None.

Senate Bill 464

Relating to: placement of a child for adoption with a nonrelative prior to termination of parental rights, payment for preadoption preparation when a child is placed for adoption by a child welfare agency, and the applicability of the Interstate Compact on the Placement of Children.

Passage.

Ayes, 5 – Senators Jauch, Kreitlow, Vinehout, Grothman and Leibham.

Noes, 0 – None.

ROBERT JAUCH
Chairperson

The committee on **Transportation and Tourism** reports and recommends:

Assembly Bill 591

Relating to: suspending the operating privilege of an underage person who operates a vehicle while having an intoxicant in a vehicle (suggested as remedial legislation by the Department of Transportation).

Concurrence.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Assembly Bill 592

Relating to: the authorization of the secretary of transportation or his or her designee to execute conveyances, contracts, and agreements in the name of the Department of Transportation (suggested as remedial legislation by the Department of Transportation).

Concurrence.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Assembly Bill 593

Relating to: the issuance of motor vehicle occupational licenses after certain operating privilege suspensions

(suggested as remedial legislation by the Department of Transportation).

Concurrence.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Assembly Bill 594

Relating to: operation of unregistered motor vehicles on highways (suggested as remedial legislation by the Department of Transportation).

Concurrence.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Assembly Bill 595

Relating to: certificates of title for vehicles that have been damaged by hail (suggested as remedial legislation by the Department of Transportation).

Concurrence.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Senate Bill 413

Relating to: markers for military memorial highways and bridges.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Senate Bill 511

Relating to: registration plates for vehicle transporters.

Passage.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Senate Bill 529

Relating to: the minimum age for hunting and possessing a firearm, age specific restrictions for hunting and on possessing a firearm while hunting, requirements for obtaining a hunting certificate of accomplishment, establishing a hunting mentorship program, and granting rule-making authority.

Passage.

Ayes, 6 – Senators Breske, Plale, Erpenbach, Kapanke, Schultz and Leibham.

Noes, 1 – Senator Hansen.

Senate Bill 545

Relating to: creating an alcohol beverages licensing exception for certain auction sales of wine.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Senate Bill 561

Relating to: creating a child safety program in the Department of Transportation, driver education instruction, information mailed in connection with motor vehicle operator's license renewal, and requiring the exercise of rule-making authority.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

ROGER BRESKE

Chairperson

The committee on **Senate Organization** reports:

The following bills were referred to the joint committee on **Finance**, pursuant to Senate Rule 41 (1) (e):

Senate Bill 12

Relating to: campaign financing, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, creating a nonrefundable individual income tax credit for contributions to the Public Integrity Endowment, candidate time on public broadcasting television stations and public access channels, statewide voter registration, staffing of the Elections Board, providing exemptions from emergency rule procedures, granting rule-making authority, providing penalties, and making appropriations.

Senate Bill 182

Relating to: the scope of regulated activity under the campaign finance law, public financing of elections for certain state offices, providing an exemption from emergency rule procedures, granting rule-making authority, providing a penalty, and making appropriations.

Senate Bill 397

Relating to: the disposal, collection, and recycling of electronic devices, making an appropriation, and providing penalties.

Senate Bill 497

Relating to: assistant district attorney positions and making an appropriation.

Senate Bill 510

Relating to: requiring the combined reporting of corporate income and franchise taxes; supplemental funding for the renewable energy grant and loan program; Wisconsin higher education grants for technical college students; income eligibility for child care subsidies; incentive grants to technical college district boards for training in advanced manufacturing skills; airport development zone and technology zone tax credits; funding for the Department of Transportation; the Regional Transit Authority and commuter rail transit systems; authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance projects related to research facilities; and making an appropriation.

The following bills were referred to and withdrawn from the joint committee on **Finance** and made Available for Scheduling, pursuant to Senate Rule 41 (1) (e):

Senate Bill 75

Relating to: requiring an employer to reasonably accommodate an employee who is pregnant or who is breast-feeding her child.

Senate Bill 461

Relating to: liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

RUSS DECKER

Chairperson

The committee on **Senate Organization** reports:

[MOTION] To place SB-523, relating to the Great Lakes-St. Lawrence River Basin Water Resources Compact; withdrawals of water from the Great Lakes Basin; water withdrawal and use; water supply planning; water conservation; granting rule-making authority; and providing a penalty, on the calendar for Thursday, March 6, 2008.

Ayes, 3 – Senators Decker, Risser, and Hansen.

Noes, 2 – Senators Fitzgerald and Leibham.

RUSS DECKER

Chairperson

PETITIONS AND COMMUNICATIONS
**State of Wisconsin
Office of the Governor**

March 5, 2008

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the Office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 279	Act 55	March 4, 2008
Senate Bill 431	Act 59	March 5, 2008
Senate Bill 1	Act 61	March 5, 2008
Senate Bill 297	Act 62	March 5, 2008
Senate Bill 167	Act 63	March 5, 2008

Respectfully submitted,

JIM DOYLE

Governor

**State of Wisconsin
Office of the Senate President**

March 5, 2008

The Honorable, the Senate:

Pursuant to Senate Rule 46 (2)(c), I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on **Senate Organization**.

Senate Bill 551 withdrawn from committee on **Labor, Elections and Urban Affairs** and rereferred to committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions**.

Sincerely,

FRED A. RISSER

Senate President

Pursuant to Senate Rule 17 (5), Senator Lehman added as a coauthor of **Senate Bill 561**.

**REFERRALS AND RECEIPT OF COMMITTEE
REPORTS CONCERNING PROPOSED
ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 06–108

Relating to regulation of fishing tournaments in inland, outlying, and boundary waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, March 5, 2008.

Referred to committee on **Environment and Natural Resources**, March 5, 2008.

Senate Clearinghouse Rule 07–076

Relating to hazardous air pollutant emissions associated with agricultural waste and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, March 5, 2008.

Referred to committee on **Environment and Natural Resources**, March 5, 2008.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 91

Assembly Joint Resolution 104

Assembly Joint Resolution 105

Assembly Joint Resolution 110

Assembly Joint Resolution 111

Concurred in:

Senate Joint Resolution 20

Senate Joint Resolution 55

Senate Joint Resolution 72

Senate Joint Resolution 89

Senate Joint Resolution 95

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 91

Relating to: commending George F. Potaracke for his many years of service on behalf of older adults in the state of Wisconsin.

By Representatives Krusick, Jeskewitz, Boyle, Colon, Gunderson, Hahn, Hebl, Molepske and Berceau; cosponsored by Senators Carpenter, Roessler, Lehman, Miller, Robson and Taylor.

Read and referred to committee on **Senate Organization**.

Assembly Joint Resolution 104

Relating to: declaring March 10, 2008, Tibet Day.

By Representatives Parisi, Black, Davis, Seidel, Pocan, Berceau, Bies, Sherman and Pope–Roberts; cosponsored by Senators Lehman and Miller.

Read and referred to committee on **Senate Organization**.

Assembly Joint Resolution 105

Relating to: the life and public service of Dominic Frinzi.

By Representatives Cullen, Richards and Ziegelbauer; cosponsored by Senators Sullivan and Taylor.

Read and referred to committee on **Senate Organization**.

Assembly Joint Resolution 110

Relating to: commending Mayor Jeannette Bell on her career and public service.

By Representative Staskunas; cosponsored by Senator Sullivan.

Read and referred to committee on **Senate Organization**.

Assembly Joint Resolution 111

Relating to: recognizing July 31, the birthday of Nobel Prize–winning economist Milton Friedman, as Milton Friedman Day in the state of Wisconsin.

By Representatives Vukmir, Ziegelbauer, Suder, Fields, Kramer, Jeskewitz, F. Lasee, Gunderson, Hahn, Vos, Lothian, Mursau, Wood, Nass, Townsend, Kleefisch, Kestell, Owens, Stone, M. Williams, Tauchen, Newcomer, Pridemore, Gundrum, Rhoades and Nygren; cosponsored by Senators S. Fitzgerald, Cowles, Olsen, Lazich, Roessler, Grothman, Schultz and Darling.

Read and referred to committee on **Senate Organization**.